

SOLID WASTE DISPOSAL ACT (SWDA)

8-26. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (Subtitle I)

1. AUTHORITY.

a. To represent the Agency in administrative enforcement actions following the issuance of an administrative complaint or corrective action order under Subtitle I of the SWDA;

b. to negotiate and sign consent agreements between the Agency and respondents resulting from such enforcement actions; and

c. to initiate an appeal from an administrative determination and to represent the Agency in such appeals pursuant to the SWDA.

2. TO WHOM DELEGATED.

a. The authorities in 1.a. and 1.c. are delegated to the Regional Counsel.

b. The authorities in 1.b. are delegated to the Director, Land and Chemicals Division (LCD); Associate Director, Office of Land Enforcement, LCD; Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ); and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

a. This authority may only be exercised after the alleged violator files an answer or fails to file an answer within the period set by the administrative complaint or corrective action order.

b. The delegates, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or designee, and the Regional Counsel or his/her designee prior to initiating an appeal, or determining that an appeal is unnecessary for an adverse decision, and must obtain the concurrence of the Regional Counsel or his/her designee prior to signing consent agreements.

c. The Regional Counsel or his/her designee may exercise the authority only to represent the Agency in administrative enforcement actions or in appeals from administrative determinations.

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3. LIMITATIONS (Cont.).

d. The OECEJ delegates may exercise this authority only in multi-media cases.

e. The OECEJ delegates must consult with the LCD delegates before exercising these authorities.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Section 9006 of the SWDA.

b. Section 9003(h) of the SWDA.

c. See delegation 8-9-B in "EPA's Delegations Manual."

d. See delegation 8-35 in "EPA's Delegations Manual."

6. SUPERSESSION. Delegations Manual, SWDA, Regional Delegation 8-26. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (Subtitle I), 1200 TN RIII-126, (September 1, 1998).

Date 2/27/03

/s/  
Donald S. Welsh  
Regional Administrator